

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claim 1 (originally identified as claim 14) has been amended, and the remaining claims have been renumbered as claims 2-4, as requested by the Examiner. Thus, claims 1-4 are pending for further examination.

With respect to the proposed drawing corrections, the Examiner has indicated that they have not been entered because a marked-up set was not provided. However, according to Applicant's records, a marked-up set showing the proposed changes was filed on June 26, 2001. A copy of this previous filing is enclosed for convenience of the Examiner. Approval of the proposed drawing corrections are respectfully requested.

With respect to the double patenting rejection, Applicant has filed an appropriate Terminal Disclaimer herewith. Thus, withdrawal of this rejection is respectfully requested.

Claims 1-4 (previously claims 14-17) have been rejected under 35 USC 102 as being anticipated by Kaplan. Without acquiescing to this rejection, Applicant has amended the claims herein in a manner that is believed to more clearly distinguish the cited prior art. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Claim 1 (previous claim 14) has been amended to require that the jukebox play the digitized songs in their entirety from a local memory on the jukebox in response to

selection by a user and receipt of payment by the user. These features, *inter alia*, are not taught or suggested by Kaplan. Kaplan discloses two embodiment of a kiosk system. Neither of the embodiments involve payment by the user to play song. In addition, Kaplan is only directed to a preview of the song (i.e., portion of a song) and not to playing the entire song for a fee. Thus, Kaplan does not anticipate the pending claims for at least these reasons.

Moreover, claim 1 has been further amended to require that the user interface is operable to display the selected album cover and a list of available songs stored on the local computer memory that exist on the album represented by the selected album cover, wherein the list of available songs is less than all of the songs that exist on the album. This feature is also not disclosed or suggested by Kaplan. Thus, Kaplan does not anticipate the amended claims for at least this additional reason.


In view of the foregoing amendments and remarks, Applicant believes that all of the pending claims clearly and patentably distinguish the prior art of record and are in condition for allowance. Thus, withdrawal of the rejections and passage of this case to issuance at an early date are earnestly solicited.

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Should the Examiner have any questions regarding this Amendment, or deem that any formal matters need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

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